

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Janelle M Gephart,  
Plaintiff,

v.

TD Bank NA, et al.,  
Defendants.

No. CV-22-01652-PHX-SMM  
**ORDER**

Before the Court is Plaintiff and TD Bank's Stipulation of Dismissal with Prejudice. (Doc. 36). The proposed order discusses the allocation of fees and costs, but the Stipulation does not. After the filing of the Stipulation, TD Bank filed an objection, stating that it did not agree to the fees and costs language. (Doc. 37). Then, a paralegal from the law firm representing Plaintiff emailed the Court an updated proposed order, stating that there was an error in the initial proposed order. However, TD Bank's attorneys were not copied on the email, and Plaintiff did not file a corrected proposed order in ECF or a Notice of Errata.

Thus, though the parties may have finally reached a resolution, the resolution is not apparent in the Stipulation or on the face of the docket, and given the parties' dispute over the dismissal, the Court is hesitant to approve a stipulation without clarity on the record.

Accordingly,

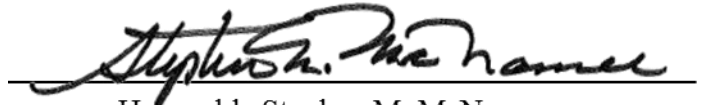
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1           **IT IS ORDERED denying without prejudice** Plaintiff and TD Bank's Stipulation  
2 of Dismissal with Prejudice. (Doc. 36). The parties may file an amended stipulation.

3           Dated this 6th day of October, 2023.

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7           Honorable Stephen M. McNamee  
8           Senior United States District Judge  
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